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OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF DELAWARE

Attorney General Opinion No. 17-IB30

July 24, 2017

VIA U.S. MAIL & EMAIL

Joseph Stinson
2616 Bellows Dr.
Wilmington, DE 19810
jrstinson1@icloud.com

**RE: June 9, 2017 FOIA Correspondence Regarding the Wilmington Police
Department**

Dear Mr. Stinson:

This will acknowledge receipt of your correspondence, received on June 9, 2017,¹ regarding the Wilmington Police Department (“WPD”) alleged failure to provide a timely response to your April 4, 2017 and April 28, 2017 requests for records pursuant to Delaware’s Freedom of Information Act, 29 *Del. C.* §§ 10001-10007 (“FOIA”). In a July 18, 2017 correspondence, WPD’s counsel acknowledged that WPD indeed failed to provide a timely response to your requests, but noted that your requests had since been fulfilled.²

Based upon this record, it is our determination that WPD violated FOIA by failing to provide a timely response to your requests.³ However, we do not believe any remediation for this

¹ Your initial correspondence with this office was dated June 6, 2016 and supplemented per our request on June 9, 2017. As the supplemental information was critical to our evaluation of your FOIA allegation, we deem your correspondence to have been received in its entirety on June 9, 2017.

² WPD also provided an explanation for its delay. While we appreciate WPD’s candor and are sensitive to the difficulties placed on the department due to recent staffing and administrative changes, the proffered explanation has no bearing on this Office’s ultimate determination.

³ See 29 *Del. C.* § 10003(h)(1) (“The public body shall respond to a FOIA request as soon as possible, but in any event within 15 business days after the receipt thereof, either by providing

FOIA violation to be necessary, as you have confirmed receipt of WPD's response to your requests.⁴

Very truly yours,



Michelle E. Whalen
Deputy Attorney General

Approved:



Aaron R. Goldstein, State Solicitor

cc: LaKresha S. Roberts (via email)
Luke Mette, City Solicitor (via email)
Matthew M. Warren, Esquire (via email)
Cpl. Matthew Riemann (via email)

access to the requested records, denying access to the records or parts of them, or by advising that additional time is needed because the request is for voluminous records, requires legal advice, or a record is archived. If access cannot be provided within 15 business days, the public body shall cite 1 of the reasons hereunder why more time is needed and provide a good faith estimate of how much additional time is required to fulfill the request.”).

⁴ As your petition challenged WPD's failure to provide a timely response to your request, we express no opinion regarding whether the requested information is indeed a “public record” subject to disclosure pursuant to FOIA.